

Honolulu, Hawaii

FEB 28 2014

RE: S.B. No. 2194
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committees on Health, Commerce and Consumer Protection,
and Ways and Means, to which was referred S.B. No. 2194 entitled:

"A BILL FOR AN ACT RELATING TO HEALTH, "

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the Department of Health to require birthing facilities to perform a critical congenital heart defect screening using pulse oximetry on every newborn in its care prior to discharge from the birthing facility;
- (2) Make an exception for parents, guardians, or other persons having custody or control of the child who object to pulse oximetry screening on the grounds that the tests conflict with their religious tenets and beliefs, and written objection is made a part of the infant's medical record;
- (3) Require the Department of Health to adopt rules as necessary to effectuate the program for newborn critical congenital heart defect screening using pulse oximetry; and
- (4) Make an appropriation to support a program for newborn critical congenital heart defect screening using pulse oximetry.



Your Committees received testimony in support of this measure from the Department of Health, American Heart Association, Kapiolani Medical Center for Women and Children, Kaiser Permanente, American Congress of Obstetricians and Gynecologists, March of Dimes, American Academy of Pediatrics, The Queen's Health Systems, and three individuals.

Your Committees find that congenital heart defects are structural abnormalities of the heart that are present at birth and are the number one killer of infants with birth defects. Congenital heart disease is the most common serious birth defect, occurring in one out of four hundred births in Hawaii and accounting for more deaths than any other malformation. Unfortunately, more than half of patients with a missed diagnosis of critical congenital heart disease will die at home or in an emergency room before their heart disease is recognized.

Your Committees further find that pulse oximetry is a simple, non-invasive test that helps identify more than ninety percent of heart defects in newborns. This measure ensures that Hawaii families are provided with the most recent standard of care for newborn health screenings.

Your Committees have amended this measure by:

- (1) Requiring birthing facilities to follow procedures, in addition to pulse oximetry tests, as specified by the guidelines of the American Academy of Pediatrics;
- (2) Deleting the provision mandating the Department of Health to require each birthing facility to perform critical congenital heart defect screenings;
- (3) Deleting the provision mandating that the person in charge of each institution caring for newborn infants and the responsible physician attending the birth of a newborn, or the person assisting the birth of a child not attended by a physician, ensure that every infant in the person's care be tested for congenital heart defects through pulse oximetry screening;
- (4) Deleting the provision mandating the Department of Health to adopt rules as necessary to effectuate the purposes of this measure; and

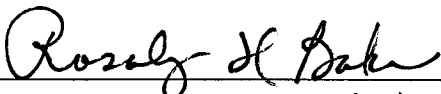


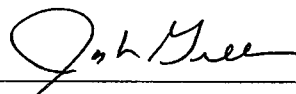
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees note that although the initial investment in the equipment used for pulse oximetry screening may be costly for some birthing facilities, the subsequent costs of pulse oximetry screening are estimated at below \$4 per baby. In fact, Kapiolani Medical Center estimates its cost to implement the screening using reusable equipment at \$1 per baby. Your Committees further note that it is pertinent to discuss whether this measure may be applied to the home birth setting, since home birth practitioners may not have access to the necessary equipment for pulse oximetry screening.

As affirmed by the records of votes of the members of your Committees on Health, Commerce and Consumer Protection, and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2194, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2194, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committees on Health, Commerce
and Consumer Protection, and
Ways and Means,


ROSALYN H. BAKER, Chair


JOSH GREEN, Chair


DAVID Y. IGE, Chair



The Senate
Twenty-Seventh Legislature
State of Hawai'i

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:* <div style="font-size: 1.5em; font-family: cursive;">SB 2194</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">HTH/CPN/WAM</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">2-26-2014</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
GREEN, M.D., Josh (C)	✓			
BAKER, Rosalyn H. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
TOTAL	5	—	—	—
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-top: 10px;">Rosalyn H Baker</div>				
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div style="text-align: center;"> Distribution: Original File with Committee Report </div> <div style="text-align: center;"> Yellow Clerk's Office </div> <div style="text-align: center;"> Pink Drafting Agency </div> <div style="text-align: center;"> Goldenrod Committee File Copy </div> </div>				

*Only one measure per Record of Votes

The Senate
Twenty-Seventh Legislature
State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

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SB 2194	HTH/CPN/WAM	2/26/14		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
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Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
TANIGUCHI, Brian T. (VC)	✓			
NISHIHARA, Clarence K.	✓			
WAKAI, Glenn	✓			
SLOM, Sam	✓			
TOTAL	5	0	0	0
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature:				
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> Distribution: Original File with Committee Report </div> <div style="text-align: center;"> Yellow Clerk's Office </div> <div style="text-align: center;"> Pink Drafting Agency </div> <div style="text-align: center;"> Goldenrod Committee File Copy </div> </div>				

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Record of Votes
Committee on Ways and Means
WAM

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Members	Aye	Aye (WR)	Nay	Excused								
IGE, David Y. (C)	✓											
KIDANI, Michelle N. (VC)	✓											
CHUN OAKLAND, Suzanne	✓											
DELA CRUZ, Donovan M.				✓								
ENGLISH, J. Kalani	✓			✓ <i>mul</i>								
ESPERO, Will	✓											
KAHELE, Gilbert	✓											
KEITH-AGARAN, Gilbert S.C.	✓											
KOUCHI, Ronald D.				✓								
RUDERMAN, Russell E.	✓											
THIELEN, Laura H.	✓											
TOKUDA, Jill N.	✓											
SLOM, Sam	✓											
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Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>												
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; margin-left: 50px;">Michelle N. Kidani</div>												
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